

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

James R. Johns
Debtor(s)

Bankruptcy Case No.: 19-23840-GLT
Issued Per 1/6/2020 Proceeding
Chapter: 13
Docket No.: 39 - 17
Concil. Conf.: April 9, 2020 at 11:30 AM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated October 28, 2019 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☒ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Apr. 9, 2020 at 11:30 AM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 5 of Bank of NY Mellon and claim No. 10 & 14 of Specialized Loan .
- ☐ H. Additional Terms: The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 6 & 7 of Ally Bank.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

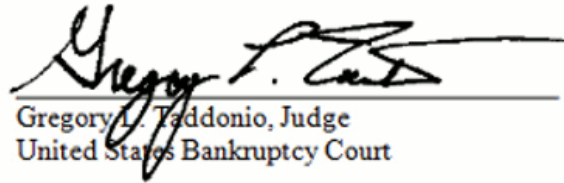
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: January 14, 2020

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 James R. Johns
 Debtor

Case No. 19-23840-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 54

Date Rcvd: Jan 14, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 16, 2020.

db +James R. Johns, 1286 Lakemont Drive, Pittsburgh, PA 15243-1854
 cr +MUNICIPALITY OF MT. LEBANON & MT. LEBANON SD, GRB Law, 437 Grant Street 14th Floor,
 Frick Building, Pittsburgh, PA 15219, UNITED STATES OF AMERICA 15219-6101
 cr +Specialized Loan Servicing, LLC, 14841 Dallas Parkway, Suite 300, Dallas, TX 75254-7883
 15147555 +ARG, 61-43 186st St., Ste 450, Fresh Meadows, NY 11365-2710
 15132690 +Ann M. Johns, 503 Clemesha Avenue, Pittsburgh, PA 15226-2017
 15132691 +BlueVine, 401 Warren St #300, Redwood City, CA 94063-1578
 15159696 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Anaheim, CA 92806-5951
 15132692 +Carrington Mortgage Services, LLC, 1600 South Douglass Road, Suite 200-A,
 Anaheim, CA 92806-5951
 15147556 +Commonwealth of Pennsylvania, Department of Labor & Industry, Office of Chief Counsel,
 301 Fifth Avenue, Suite 230, Pittsburgh, PA 15222-2440
 15132696 +EdFinancial Services, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
 15132699 +EdFinancial Services, Attn: Bankruptcy, Po Box 36008, Knoxville, TN 37930-6008
 15147557 +Federouch, P.O. Box 522, Lawrence, PA 15055-0522
 15147558 +Federouch, 202 Buckeye Street, Canonsburg, PA 15317
 15147559 +Fox Capital Group, 140 Broadway 46th Fl, New York, NY 10005-1155
 15132702 +Gerard W. Johns, 8 Mulberry court, Grove City, PA 16127-4672
 15147561 +Home Depot, c/o Home Depot Credit Services, PO Box 9001010, Louisville, KY 40290-1010
 15147562 +Intercare Psychiatric Services, 180 Fort Couch Road, STE 304, Pittsburgh, PA 15241-1041
 15132706 +KML Law Group, P.c., Suite 5000, 701 Market Street, Philadelphia, PA 19106-1541
 15147564 +Kenneth J. Hardin, II, 437 Grant Street, Suite 620, Pittsburgh, PA 15219-6010
 15147565 +Lowe's, c/o GS Holdings, 5553 Whipple Rd NW #5, North Canton, OH 44720-7760
 15147566 +MCA Recovery LLC, 17 State St., Ste 40000, New York, NY 10004-1501
 15132707 +Management Services Inc., PO Box 1099, Langhorne, PA 19047-6099
 15132708 +Mt. Lebanon Municipality, c/o Jordan Tax Service Inc., 102 Rahway Road,
 McMurray, PA 15317-3349
 15175505 +Municipality of Mt. Lebanon, GRB Law, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 15175498 +Municipality of Mt. Lebanon/Mt. Lebanon SD, GRB Law, c/o Jeffrey R. Hunt, Esquire,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101
 15147567 OSHA, Department of Treasury, Debt Management Services, PO Box 979101,
 Saint Louis, MO 63197-9000
 15132712 +Pittsburgh Water & Sewage Authority, Penn Liberty Plaza 1, 1200 Penn Avenue,
 Pittsburgh, PA 15222-4216
 15147568 +RDM Capital Funding, LLC, 777 Passaic Ave, Ste 375, Clifton, NJ 07012-1804
 15147569 +SWIFT FINANCIAL DBA SWIFT CAPITAL, 3505 SILVERSIDE RD, SUITE 200,
 WILMINGTON DE 19810-4905
 (address filed with court: Swift Capital, 501 Carr Rd #301, Wilmington, DE 19809)
 15167311 +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
 Highlands Ranch, Colorado 80129-2386
 15132714 +Specialized Loan Servicing/SLS, 8742 Lucent Blvd, Highlands Ranch, CO 80129-2386
 15132716 +Specialized Loan Servicing/SLS, Attn: Bankruptcy Dept, 8742 Lucent Blvd #300,
 Highlands Ranch, CO 80129-2386
 15163003 +Swift Financial, LLC, 3505 SilverSide Rd., Suite 200, Wilmington, DE 19810-4905
 15147570 +UPMC, PO Box 371842, Pittsburgh, PA 15250-7842
 15132718 +Vincent M. Johns, 1256 Kings Road, Morgantown, WV 26508-9155
 15132720 +Wells Fargo Home Mor, Attn: Written Correspondence/Bankruptcy, Mac#2302-04e Pob 10335,
 Des Moines, IA 50306
 15132719 +Wells Fargo Home Mor, Po Box 10335, Des Moines, IA 50306-0335
 15147571 +Yellowstone Capital LLC, 30 Broad St. 14th Fl, Ste 1462, New York, NY 10004-2304

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

15161732 E-mail/Text: ally@ebn.phinsolutions.com Jan 15 2020 03:07:09 Ally Bank, PO Box 130424,
 Roseville MN 55113-0004
 15132688 +E-mail/Text: ally@ebn.phinsolutions.com Jan 15 2020 03:07:09 Ally Financial,
 Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
 15132686 +E-mail/Text: ally@ebn.phinsolutions.com Jan 15 2020 03:07:09 Ally Financial,
 P.O. Box 380901, Bloomington, MN 55438-0901
 15132693 +E-mail/PDF: creditonebknofications@resurgent.com Jan 15 2020 03:05:30 Credit One Bank,
 Po Box 98872, Las Vegas, NV 89193-8872
 15132695 E-mail/Text: mrdiscen@discover.com Jan 15 2020 03:07:11 Discover Financial,
 Attn: Bankruptcy Department, Po Box 15316, Wilmington, DE 19850
 15132694 E-mail/Text: mrdiscen@discover.com Jan 15 2020 03:07:11 Discover Financial, Pob 15316,
 Wilmington, DE 19850
 15136165 E-mail/Text: mrdiscen@discover.com Jan 15 2020 03:07:11 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 15168199 +E-mail/Text: kburkley@bernsteinlaw.com Jan 15 2020 03:08:37 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 15147560 +E-mail/Text: bankruptcy_notifications@ccsusa.com Jan 15 2020 03:08:43 Geico,
 c/o Credit Collections, 725 Canton St., Norwood, MA 02062-2679
 15147563 +E-mail/Text: cs.bankruptcy@jmcibiz.com Jan 15 2020 03:08:44 Joseph, Mann & Creed,
 8948 Canyon Falls Blvd, #200, Twinsburg, OH 44087-1900

District/off: 0315-2

User: dbas
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Total Noticed: 54

Date Rcvd: Jan 14, 2020

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center (continued)

15132705 +E-mail/Text: kabbagebankruptcy@brantonlawfirm.com Jan 15 2020 03:08:44 Kabbage Inc.,
925B Peachtree Street NE, Suite 1688, Attn: Bankruptcy Department, Atlanta, GA 30309-3918
15139147 E-mail/PDF: resurgentbknotifications@resurgent.com Jan 15 2020 03:04:55 LVNV Funding, LLC,
Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
15132710 +E-mail/PDF: cbp@onemainfinancial.com Jan 15 2020 03:06:02 OneMain Financial,
Attn: Bankruptcy, Po Box 3251, Evansville, IN 47731-3251
15132709 +E-mail/PDF: cbp@onemainfinancial.com Jan 15 2020 03:05:20 OneMain Financial, Po Box 1010,
Evansville, IN 47706-1010
15163614 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Jan 15 2020 03:04:46
Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541
15132711 +E-mail/Text: blegal@phfa.org Jan 15 2020 03:07:56 Pa Housing Finance Age,
2101 N. Front Street, Harrisburg, PA 17110-1086

TOTAL: 16

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr SPECIALIZED LOAN SERVICING LLC
cr THE BANK OF NEW YORK MELLON, F/K/A The Bank of New
cr* Ann M Johns, 503 Clemesha Avenue, Pittsburgh, PA 15226-2017
cr* Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
15132689* +Ally Financial, Attn: Bankruptcy Dept, Po Box 380901, Bloomington, MN 55438-0901
15132687* +Ally Financial, P.o. Box 380901, Bloomington, MN 55438-0901
15147554* +Ann M. Johns, 503 Clemesha Avenue, Pittsburgh, PA 15226-2017
15132697* +EdFinancial Services, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
15132698* +EdFinancial Services, 120 N Seven Oaks Drive, Knoxville, TN 37922-2359
15132700* +EdFinancial Services, Attn: Bankruptcy, Po Box 36008, Knoxville, TN 37930-6008
15132701* +EdFinancial Services, Attn: Bankruptcy, Po Box 36008, Knoxville, TN 37930-6008
15132703* +Gerard W. Johns, 8 Mulberry court, Grove City, PA 16127-4672
15132704* +Gerard W. Johns, 8 Mulberry court, Grove City, PA 16127-4672
15132713* +Pittsburgh Water & Sewage Authority, Penn Liberty Plaza 1, 1200 Penn Avenue,
Pittsburgh, PA 15222-4216
15169431* +Specialized Loan Servicing LLC, 8742 Lucent Blvd, Suite 300,
Highlands Ranch, Colorado 80129-2386
15132717* +Specialized Loan Servicing/SLS, Attn: Bankruptcy Dept, 8742 Lucent Blvd #300,
Highlands Ranch, CO 80129-2386
15132715* +Specialized Loan Servicing/SLS, 8742 Lucent Blvd, Highlands Ranch, CO 80129-2386
TOTALS: 2, * 15, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jan 16, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 14, 2020 at the address(es) listed below:

Christopher M. Frye on behalf of Debtor James R. Johns chris.frye@steidl-steinberg.com,
julie.steidl@steidl-steinberg.com;todd@steidl-steinberg.com;leslie.nebel@steidl-steinberg.com;cgo
ga@steidl-steinberg.com;r53037@notify.bestcase.com;rlager@steidl-steinberg.com;kmeyers@steidl-ste
inberg.com
James Warmbrodt on behalf of Creditor THE BANK OF NEW YORK MELLON, F/K/A The Bank of New
York as trustee for registered Holders of CWABS, Inc., Et Al... bkgrou@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor MUNICIPALITY OF MT. LEBANON & MT. LEBANON SD
jhunt@grblaw.com, cnoroski@grblaw.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
jbluemle@bernsteinlaw.com
Kevin Scott Frankel on behalf of Creditor Specialized Loan Servicing, LLC pakb@logs.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteeewdpa.com

District/off: 0315-2

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Thomas Song on behalf of Creditor SPECIALIZED LOAN SERVICING LLC pawb@fedphe.com
Thomas E. Reilly on behalf of Creditor Ann M Johns ecf@tomreillylaw.com

TOTAL: 9